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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,918	01/31/2001	Hideyuki Amaku	826.1671/JDH	9990

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EXAMINER

NGUYEN, MERILYN P

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,918

Applicant(s)

AMAKU ET AL.

Examiner

Merilyn P Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/05/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed Action*.

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DETAILED ACTION

1. This application claims foreign priority Application No. 2000-181687 filed on June 16, 2000.
2. In response to the communication dated 11/05/2003, claims 1-14 are active in this application as a result of the addition of claim 14.

Acknowledges

3. Receipt is acknowledged of the following items from the Applicant:
The applicant amendment has been considered and made of record as Paper No. 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagaki (US 5,857,077).

Regarding claims 1, 8, 9, 12, and 13, Nakagaki discloses a recording system, a recording method, a computer-readable storage medium, and a propagating signal, comprising:

- o a generation device generating process information for indicating a content of a process in a specific system (See col. 9, line 66 to col. 10, line 16); and

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- a recording device performing a process for recording the process information of the specific system in a shared storage medium (see col. 10, lines 17-46) that is shared by a plurality of systems including the specific system and is commonly accessed by the plurality of systems (See Fig. 1, 7, and 9, as illustrated as two way arrows interchanging information with other information systems) and collectively that stores a plurality of pieces of process information of the plurality of systems (See Fig. 58, for example, wherein, distribution history holding section 15 stores a plurality of pieces of process information of the plurality of systems A, B, C D), in a format such that a process history of the plurality of systems can be tracked (See col. 11, line 63 to col. 12, line 21).

Regarding claims 4 and 10, Nakagaki discloses a retrieval system, comprising:

- a retrieval device (History collection section 16, Fig. 1) performing a process for retrieving data from a shared storage medium (Distribution history holding section 15, Fig. 1) that is shared by a plurality of systems and is commonly accessed by the plurality of systems (See Fig. 1, 7, and 9, as illustrated as two way arrows interchanging information with other information systems) and that collectively stores process information for indicating a content of each process of the plurality of systems (See Fig. 58, for example, wherein, distribution history holding section stores a plurality of pieces of process information of the plurality of systems A, B, C D), in a format such that a process history of the plurality of systems can be tracked (See col. 11, line 63 to col. 12, line 21); and

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- a generation device generating the process history from the information obtained from the storage medium by retrieval (See col. 62, lines 47-56).

Regarding claims 7 and 11, Nakagaki discloses a retrieval system, comprising:

- a retrieval device (History collection section 16, Fig. 1) performing a process for retrieving data from a shared storage medium (Distribution history holding section 15, Fig. 1) that is shared by a plurality of systems and is commonly accessed by the plurality of systems (See Fig. 1, 7, and 9, as illustrated as two way arrows interchanging information with other information systems) and that collectively stores process information for indicating a content of each process of the plurality of systems (See Fig. 58, for example, wherein, distribution history holding section stores a plurality of pieces of process information of the plurality of systems A, B, C D), in a format such that a process history of the plurality of systems can be tracked (See col. 11, line 63 to col. 12, line 21, See also col. 61, line 40 to col. 62, line 33); and
- a process device processing information using the information obtained from the storage medium by retrieval (See col. 61, line 40 to col. 62, line 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki (US 5,857,077), in view of Oku (US 6,098,047).

Regarding claim 14, Nakagaki discloses an electronic data interchange system (Figs. 1, 7, for example), comprising:

- o first and second systems (Systems A and B, Fig. 7) exchanging transactions where each transaction has a transaction process history (Col. 9, line 66 to Col. 10, line 16); and
- o a shared, commonly accessed, collective storage system collectively storing the transaction process history of each transaction (Distribution history holding section 15, Fig. 1), allowing access to the transaction process history of each transaction by said first and second systems (See Figs. 1 and 7, as illustrated as two way arrows interchanging information with other information systems), and wherein the first and second systems track the transactions using the transaction process history of each transaction stored in said storage system (See col. 11, line 63 to col. 12, line 21, See also col. 61, line 40 to col. 62, line 33).

Nakagaki does not teach transactions are business transactions. On the other hand, Oku teaches exchanging business transactions between systems of different organizations (See col. 3, lines 18-37, Oku et al.). It would have been obvious to one having ordinary skill in the art to exchange business transactions as suggested by Oku. Since Nakagaki system exchanging

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various pieces of information between systems (Col. 1, lines 23-27, Nakagaki et al.), it was well known that business transactions information could also be exchanged so that the system can flexibly apply to all types of information. This is regarded as intended and, thus, not given patentable weight. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

Allowable subject matter

6. Claims 2 and 5 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Claims 3 and 6 are dependent on objected claims.

Response to Arguments

7. Applicant's arguments filed on 11/05/2003 have been fully considered, but they are not persuasive.

Applicant argues that the distribution holding section 15 is local storage that is not shared, commonly accessed, collective storage. The examiner respectfully disagrees. The claimed limitation does not recite whether the storage medium is a local storage or a global storage. The distribution holding section 15 is shared, commonly accessed by plurality of systems as illustrated in Fig. 1 as interchanging arrows to other systems. Furthermore, Figure

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58 discloses a process for interchanging and collecting history information from other systems (See Information intervention system B, for example) and collectively stores the history information in the storage 15 of system B. See also col. 65, lines 4-56 for clarification. In the interest of compact prosecution, the Applicant's storage medium can be treated as any one of the distribution holding sections 15 of any of intervention systems since others share each of distribution holding sections.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Merilyn P Nguyen whose telephone number is 703-305-5177. The examiner can normally be reached on M-F: 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MN

MN

January 22, 2004



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100